

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

Auburn University)	
(Opposer))	
)	Opposition No.: _____
-v-)	Appl. Ser. No.: 77/143040
)	Published in the Official Gazette on
)	March 18, 2008
Hartwell Industries, Inc.)	
(Applicant))	

September 15, 2008

SUBMISSION OF NOTICE OF OPPOSITION

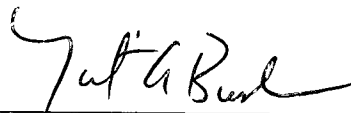
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Enclosed is the Notice of Opposition to registration of the above-identified trademark and a \$300 check in payment of the filing fee for the Notice of Opposition.

It is respectfully requested that the above-identified Opposition proceeding be instituted.

Respectfully submitted,



Attorney for Opposer
Timothy A. Bush
Sirote & Permutt, P.C.
2311 Highland Ave.
Birmingham, AL 35255
(205) 930.5282
fax: (205) 930.5101



09-15-2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD**

Auburn University)	
(Opposer))	
)	Opposition No.: _____
-v-)	Appln. Ser. No.: 77/143040
)	Published in the Official Gazette on March 18, 2008
Hartwell Industries, Inc.)	
(Applicant))	

NOTICE OF OPPOSITION

Auburn University, a state university and body corporate under the laws of the State of Alabama, located and doing business in Auburn, Alabama (hereinafter "Opposer"), believing that it will be damaged by the registration of the mark A AUBURN SPORT SINCE 1963 as shown in the above identified application, hereby opposes Application Serial No. 77/143040, filed March 28, 2007 (the "Application"), under the Trademark Act of 1946, in the name of Hartwell Industries, Inc. (hereinafter "Applicant"), published for opposition in the *Official Gazette* on March 18, 2008, for the mark A AUBURN SPORT SINCE 1963 in class 35 for catalog ordering service featuring clothing and mail order catalog services featuring clothing (the "Applicant's Services").

The grounds of opposition are as follows:

1. The Opposer, Auburn University, is the owner of a variety of marks, including AUBURN, AUBURN UNIVERSITY, AUBURN TIGERS, AUBURN COMMONS, and the AUBURN UNIVERSITY School Seal ("Opposer's Marks), and variations thereof, as applied to a wide range of goods and services.

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2. Opposer is now and for many decades has been trading as and known by the Opposer's Marks and variants, identifying Opposer as the source of a variety of goods and services and thus likely to be found in use in identical settings along side of the Applicant's Goods, which are apparently offered under its alleged mark A AUBURN SPORT SINCE 1963.

3. Commencing long prior to the filing date of the Application, Opposer has engaged, is now engaged, and continues to be engaged, either directly or through authorized licensees, in the distribution, sale, advertising and promotion in interstate commerce of, among other things, the following goods and services: electric light fixtures, metal key chains, metal license plates, metal piggy banks, metal buckets, belt buckles of precious metal, costume jewelry, key rings of precious metal, piggy banks made of precious metal, clocks, jewelry, watches, class rings, rings, pins, lapel pins, necklaces, bracelets, pendants, charms, charm bracelets, earrings, belly rings, necklaces, leather key chains, all purpose carrying bags, book bags, school bags, shoulder bags, umbrellas, luggage, wallets, coin purses, luggage tags, purses, ID holders, plastic key chains, plastic novelty license plates, plastic pennants, plastic flags, picture frames, umbrella stands, pillows, decorative plaques, plastic name badges, collectibles in the nature of cold cast resin figurines, stadium cushions, novelty items in the nature of collectible plastic megaphones, mirrors, wind chimes, diploma frames, picnic tables, ice buckets, beverage glassware, waste paper baskets, bottle openers, bowls, coffee cups, beverage containers, grills, cooking utensils, namely, grill covers, forks, tongs, spatulas, stained glass decorative wall hangings, stained glass figurines, stained glass fireplace screens, stained glass decorations, plastic coasters, serving trays not of precious metal,

paper plates, picnic baskets, salt and pepper shakers, plant holders, non-metal piggy banks, cloth coasters, towels, blankets, cloth pennants, felt pennants, cloth flags, tapestries of textile, textile wall hangings, textile placemats, quilts, sheets, bed linens, balloons, basketballs, beach balls, foam basketballs, footballs, playground balls, soccer balls, rubber action balls, tennis balls, table tennis balls, volleyballs, toy balls, baseballs, basketball goals, bean bags, chess sets, checker sets, Christmas tree ornaments, Christmas stockings, flying discs, golf head covers, golf tees, putter cups, golf flags, golf bags, golf balls, golf putter covers, tennis nets, tennis racket covers, stuffed toy animals, dolls, puzzles, board games, plastic figurine toys, foam figurine toys, baseball bats, bean bags, toy megaphones, toy diecast vehicles other than automobiles, clothing, namely, shirts, shorts, T-shirts, sleep shirts, robes, tennis shirts, sweat suits, sweat pants, sweat shirts, sweat shorts, ladies tops, jerseys, sweaters, blazers, jackets, vests, shoes, mittens, scarves, socks, hats, caps, visors, and children's clothing, namely, bibs, jumpers, onesies, booties, baby bottoms, toy cars that bear indicia of the applicant university and replicate or resemble trucks, 1938 model panel vans, 1946 model automobiles, and late model, namely since 1950, passenger automobiles, vans, buses, and sport utility vehicles, printed materials, namely, notebooks, looseleaf binders, writing paper and envelopes, desk pads, notebook holders, letter openers, pencil cups, appointment books, address books, calendars, binders for diplomas, pens, pen and pencil sets, book ends, lap boards, decals, postcards, bumper stickers, playing cards, newsletter for university graduates, alumni, and supporters, and educational services, namely university and community education, public lectures and workshops, seminars, and conferences, and entertainment services, namely sports exhibitions, theatrical productions, public lectures, art exhibitions, musical

concerts, dance and ballet performances, and motion picture exhibitions, and providing an online electronic newsletter for university graduates, alumni, and supporters (said goods and services hereinafter collectively referred to as "Opposer's Goods").

4. Commencing long prior to the filing date of the Application, Opposer has used, is now using, and continues to use, either directly or through authorized licensees, some or all of Opposer's Marks and variations thereof on and in connection with Opposer's Goods distributed and sold by Opposer or its authorized licensees in interstate commerce. Thus, Opposer has long-standing common law ownership rights in Opposer's Marks in connection with Opposer's Goods, which rights arose prior to the filing date of the Application.

5. Further, Opposer is the owner of, and will rely herein in part upon, the following Federal trademark registrations:

<u>Mark</u>	<u>Registration No.</u>	<u>Issued</u>
AUBURN	3052639	01/31/06
AUBURN	2054439	04/22/97
AUBURN	2381222	08/29/00
AUBURN	2045683	03/18/97
AUBURN	2040157	02/25/97
AUBURN UNIVERSITY	3052641	01/31/06
AUBURN UNIVERSITY	2080848	07/22/97
AUBURN UNIVERSITY	2040159	02/25/97
AUBURN UNIVERSITY	2047365	03/25/97
AUBURN TIGERS	2172166	07/14/98

AUBURN TIGERS	3052640	01/31/06
AUBURN TIGERS	2164990	06/16/98
AUBURN COMMONS	3026287	12/13/05
AUBURN UNIVERSITY school seal	2064683	05/27/97
AUBURN UNIVERSITY school seal	2056958	04/29/97
AUBURN UNIVERSITY school seal	2066511	06/03/97

Copies of the current printout of information from the electronic database records of the USPTO showing the current status and title of each of the above reference registrations are attached as Exhibits A-P.

6. Since its initial use of Opposer's Marks, including the AUBURN mark, Opposer has made a substantial investment in advertising and promoting Opposer's Goods under Opposer's Marks.

7. Opposer and its authorized licensees have extensively used, advertised, promoted and offered Opposer's Goods bearing Opposer's Marks to the public through various channels of trade in commerce, with the result that Opposer's customers and the public in general have come to know and recognize Opposer's Marks and associate same with Opposer and/or goods sold by Opposer or its authorized licensees, including Opposer's Goods.

8. As a result of the high quality of Opposer's Goods and the extensive use, promotion, sales, and public acceptance of Opposer's Goods, such goods have acquired an outstanding reputation, and Opposer has built extensive goodwill in connection with the sales of products and services, including Opposer's Goods, under Opposer's Marks.

9. Because of Opposer's extensive use, advertisement, promotion, offering, and sale to the public of Opposer's Goods bearing Opposer's Marks for many decades through various channels of trade in commerce, Opposer's Marks have become famous and are entitled to a broad scope of protection.

10. Upon information and belief, notwithstanding Opposer's rights in and to Opposer's Marks, on March 28, 2007, Applicant filed an application for registration of the mark A AUBURN SPORT SINCE 1963 that appears in the Application for the goods listed in the Application. The Application was assigned Application Serial No. 77/143040, and was published for Opposition in the *Official Gazette* on March 18, 2008.

11. The word mark A AUBURN SPORT SINCE 1963 in the Application is identical to or so resembles Opposer's Marks in sight, pronunciation, commercial impression, and connotation as to be likely, when used with the proposed services of Applicant, to cause confusion or mistake or to deceive purchasers, resulting in damage and detriment to Opposer and its reputation.

12. Upon information and belief, the services identified in the Application are either identical, or closely related, to some or all of Opposer's Goods. Upon information and belief, Opposer's Goods and Applicant's services will be sold in close proximity and purchased and consumed by the same general class of purchasers.

13. Upon information and belief, Opposer's rights in Opposer's Marks, and its registrations set forth in section 5 hereof, precede any rights Applicant may have in the mark set forth in the Application.

14. Upon information and belief, Opposer avers that its customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's proposed goods to be marketed under Applicant's proposed A AUBURN SPORT SINCE 1963 mark as set forth in the Application and misled into believing that such goods are produced by, emanate from, or are in some way directly or indirectly associated with Opposer, to the damage and detriment of Opposer and its reputation.

15. Upon information and belief, Opposer avers that it will be damaged by the registration by Applicant of the A AUBURN SPORT SINCE 1963 trademark set forth in the Application in that the mark is identical or substantially similar to Opposer's Marks and will be used in connection with goods identical, or closely related, to the goods offered to the public by Opposer or its authorized licensees.

16. Upon information and belief, Opposer avers that the registration of Applicant's A AUBURN SPORT SINCE 1963 mark set forth in the Application will result in the dilution of the distinctive quality of the famous Opposer's Marks to the detriment of Opposer.

Wherefore, because this Opposer, Auburn University, believes and avers that it is being and will continue to be damaged by registration of the A AUBURN SPORT SINCE 1963 mark set forth in the Application, Opposer prays that Application Serial No. 77/143040 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

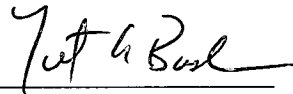
Opposer has appointed Timothy A. Bush, a member of the law firm of Sirote & Permutt, P.C., and a member of the Bar of the State of Alabama, to prosecute

this opposition proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

Timothy A. Bush
Sirote & Permutt, P.C.
2311 Highland Avenue South
Birmingham, AL 35205

The filing fee for this Opposition in the amount of \$300 is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 501346.

Respectfully submitted,

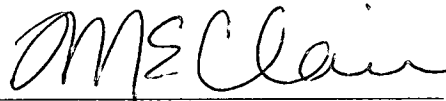


Attorney for Opposer
Timothy A. Bush
Sirote & Permutt, P.C.
2311 Highland Ave.
Birmingham, AL 35255
(205)930.5282
fax: (205)930.5101

Date: 9/15/08

CERTIFICATE OF MAILING

I hereby certify that the preceding Notice of Opposition is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on this 15th day of September, 2008.

A handwritten signature in cursive script, appearing to read "T McClain", written over a horizontal line.

Tiffany McClain

CERTIFICATE OF SERVICE

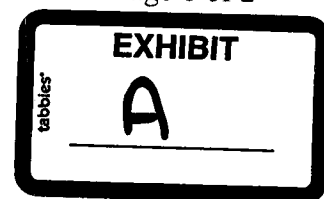
I hereby certify that a copy of the foregoing "NOTICE OF OPPOSITION" was served on Opposer by Express Mail Post Office to Addressee, on the 15th day of September, 2008, at the following address:

Nancy C. DiConza
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 United Nations Plz
New York, NY 10017-1822

By Yt G Bul
Attorney for Opposer
Dated: 9/15/08



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 The USPTO is a federal agency within the Department of Commerce.



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AUBURN

Word Mark AUBURN

Goods and Services

IC 006. US 002 012 013 014 023 025 050. G & S: metal key chains, metal license plates, metal piggy banks, and metal buckets. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 014. US 002 027 028 050. G & S: belt buckles of precious metal, costume jewelry, key rings of precious metal, piggy banks made of precious metal, clocks, jewelry, watches, class rings, rings, pins, lapel pins, necklaces, bracelets, pendants, charms, charm bracelets, earrings, belly rings, and necklaces. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 018. US 001 002 003 022 041. G & S: leather key chains, all purpose carrying bags, book bags, school bags, shoulder bags, umbrellas, luggage, wallets, coin purses, luggage tags, purses, ID holders. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 020. US 002 013 022 025 032 050. G & S: plastic key chains, plastic novelty license plates, plastic pennants, plastic flags, picture frames, umbrella stands, pillows, decorative plaques, plastic name badges, collectibles in the nature of cold cast resin figurines, stadium cushions, novelty items in the nature of collectible plastic megaphones, mirrors, wind chimes, diploma frames, and picnic tables. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 021. US 002 013 023 029 030 033 040 050. G & S: ice buckets, beverage glassware, waste paper baskets, bottle openers, bowls, coffee cups, beverage containers, grills, cooking utensils, namely, grill covers, forks, tongs, and spatulas, stained glass decorative wall hangings, stained glass figurines, stained glass fireplace screens, stained glass decorations, plastic coasters, serving trays not of precious metal, paper plates, picnic baskets, salt and pepper shakers, plant holders, and non-metal piggy banks. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 024. US 042 050. G & S: cloth coasters, towels, blankets, cloth pennants, felt pennants, cloth flags, tapestries of textile, textile wall hangings, textile placemats, quilts, sheets, and bed linens. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 028. US 022 023 038 050. G & S: balloons, basketballs, beach balls, foam basketballs, footballs, playground balls, soccer balls, rubber action balls, tennis balls, table tennis balls, volleyballs, toy balls, baseballs, basketball goals, bean bags, chess sets, checker sets, Christmas tree ornaments, Christmas stockings, flying discs, golf head covers, golf tees, putter cups, golf flags, golf bags, golf balls, golf putter covers, tennis nets, tennis racket covers, stuffed toy animals, dolls, puzzles, board games, plastic figurine toys, foam figurine toys, baseball bats, bean bags, toy megaphones, and toy diecast vehicles other than automobiles. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

**Standard
Characters
Claimed**

**Mark Drawing
Code** (4) STANDARD CHARACTER MARK

**Serial
Number** 76617572

Filing Date October 26, 2004

**Current Filing
Basis** 1A

**Original
Filing Basis** 1A

**Published for
Opposition** November 8, 2005

**Registration
Number** 3052639

**Registration
Date** January 31, 2006

Owner (REGISTRANT) Auburn University BODY CORPORATE ALABAMA 6 Samford Hall Auburn University ALABAMA 368495118

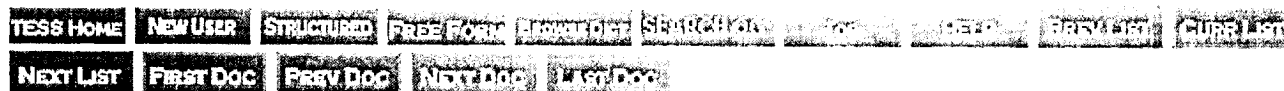
**Attorney of
Record** Timothy A. Bush

**Prior
Registrations** 2040157;2040159;2045683;2047365;2054439;2056958;2064683;2066511;2080848;2164990;2172166;2381222;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

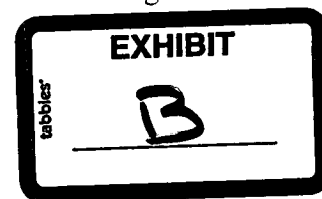
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Indicator** LIVE





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Typed Drawing

Word Mark AUBURN
Goods and Services IC 025. US 022 039. G & S: clothing, namely, shirts, shorts, T-shirts, sleep shirts, robes, tennis shirts, sweat suits, sweat pants, sweat shirts, sweat shorts, ladies tops, jerseys, sweaters, blazers, jackets, vests, shoes, mittens, scarves, socks, hats, caps, visors, and children's clothing, namely, bibs, jumpers, onesies, booties, and baby bottoms. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75038579
Filing Date December 29, 1995
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition January 28, 1997
Registration Number 2054439
Registration Date April 22, 1997
Owner (REGISTRANT) Auburn University INSTRUMENTALITY OF THE STATE OF ALABAMA ALABAMA 6 Samford Hall Auburn ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20071102.
Renewal 1ST RENEWAL 20071102

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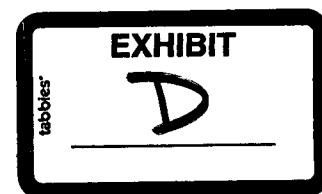
Typed Drawing

Word Mark	AUBURN
Goods and Services	IC 028. US 022 023 038 050. G & S: toy cars that bear indicia of the applicant university and replicate or resemble trucks, 1938 model panel vans, 1946 model automobiles, and late model, namely since 1950, passenger automobiles, vans, buses, and sport utility vehicles. FIRST USE: 19950000. FIRST USE IN COMMERCE: 19950000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75773049
Filing Date	August 11, 1999
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 6, 2000
Registration Number	2381222
Registration Date	August 29, 2000
Owner	(REGISTRANT) Auburn University CORPORATION ALABAMA 6 Samford Hall Auburn ALABAMA 36849
Attorney of Record	Timothy A. Bush
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark **AUBURN**
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: printed materials, namely, notebooks, looseleaf binders, writing paper and envelopes, desk pads, notebook holders, letter openers, pencil cups, appointment books, address books, calendars, binders for diplomas, pens, pen and pencil sets, book ends, lap boards, decals, postcards, bumper stickers and playing cards. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75038507
Filing Date December 29, 1995
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 24, 1996
Registration Number 2045683
Registration Date March 18, 1997
Owner (REGISTRANT) AUBURN UNIVERSITY BODY CORPORATE ALABAMA 107 SAMFORD HALL AUBURN ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070920.
Renewal 1ST RENEWAL 20070920

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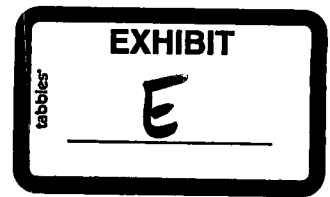
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Typed Drawing

Word Mark	AUBURN
Goods and Services	IC 041. US 100 101 107. G & S: educational services, namely university and community education, public lectures and workshops, seminars, and conferences, and entertainment services, namely sports exhibitions, theatrical productions, public lectures, art exhibitions, musical concerts, dance and ballet performances, and motion picture exhibitions. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75038479
Filing Date	December 29, 1995
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	December 3, 1996
Registration Number	2040157
Registration Date	February 25, 1997
Owner	(REGISTRANT) Auburn University BODY CORPORATE ALABAMA 107 Samford Hall Auburn ALABAMA 36849
Attorney of Record	Timothy A. Bush
Type of Mark	SERVICE MARK
Register	PRINCIPAL-2(F)
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070310.
Renewal	1ST RENEWAL 20070310

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Indicator LIVE

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AUBURN UNIVERSITY

Word Mark Goods and Services

AUBURN UNIVERSITY

IC 006. US 002 012 013 014 023 025 050. G & S: metal key chains, metal license plates, metal piggy banks, and metal buckets. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

IC 018. US 001 002 003 022 041. G & S: leather key chains, all purpose carrying bags, book bags, school bags, shoulder bags, umbrellas, luggage, wallets, coin purses, luggage tags, purses, ID holders. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

IC 020. US 002 013 022 025 032 050. G & S: plastic key chains, plastic novelty license plates, plastic pennants, plastic flags, picture frames, umbrella stands, pillows, decorative plaques, plastic name badges, collectibles in the nature of cold cast resin figurines, stadium cushions, novelty items in the nature of collectible plastic megaphones, mirrors, wind chimes, diploma frames, and picnic tables. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

IC 021. US 002 013 023 029 030 033 040 050. G & S: ice buckets, beverage glassware, waste paper baskets, bottle openers, bowls, coffee cups, beverage containers, grills, cooking utensils, namely, grill covers, forks, tongs, and spatulas, stained glass decorative wall hangings, stained glass figurines, stained glass fireplace screens, stained glass decorations, plastic coasters, serving trays not of precious metal, paper plates, picnic baskets, salt and pepper shakers, plant holders, and non-metal piggy banks. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

IC 024. US 042 050. G & S: cloth coasters, towels, blankets, cloth pennants, felt pennants, cloth flags, tapestries of textile, textile wall hangings, textile placemats, quilts, sheets, and bed linens. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

IC 028. US 022 023 038 050. G & S: balloons, basketballs, beach balls, foam basketballs, footballs, playground balls, soccer balls, rubber action balls, tennis balls, table tennis balls, volleyballs, toy balls, baseballs, basketball goals, bean bags, chess sets, checker sets, Christmas tree ornaments, Christmas stockings, flying discs, golf head covers, golf tees, putter cups, golf flags, golf bags, golf balls, golf putter covers, tennis nets, tennis racket covers, stuffed toy animals, dolls, puzzles. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

**Standard
Characters
Claimed**

**Mark Drawing
Code** (4) STANDARD CHARACTER MARK

**Serial
Number** 76617574

Filing Date October 26, 2004

**Current Filing
Basis** 1A

**Original
Filing Basis** 1A

**Published for
Opposition** November 8, 2005

**Registration
Number** 3052641

**Registration
Date** January 31, 2006

Owner (REGISTRANT) Auburn University A BODY CORPORATE ALABAMA 6 Samford Hall Auburn University ALABAMA 368495118

**Attorney of
Record** Timothy A. Bush

**Prior
Registrations** 2040157;2040159;2045683;2047365;2054439;2056958;2064683;2066511;2080848;
2164990;2172166;2381222;AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNIVERSITY" APART FROM THE MARK AS SHOWN

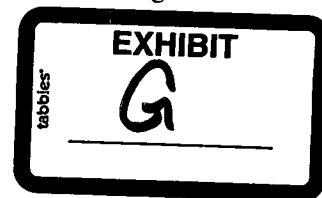
Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

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Start List At: OR Jump to record: Record 86 out of 151

TARR Status ASSIGN Status TDR TARR Status [Link to TESS Home] [Link to TESS Info] [Link to TESS FAQ] [Link to TESS CONTACT]

Typed Drawing

Word Mark AUBURN UNIVERSITY

Goods and Services IC 025. US 022 039. G & S: clothing, namely, shirts, shorts, T-shirts, sleep shirts, robes, tennis shirts, sweat suits, sweat pants, sweat shirts, sweat shorts, ladies tops, jerseys, sweaters, blazers, jackets, vests, shoes, mittens, scarves, socks, hats, caps, visors, and children's clothing, namely, bibs, jumpers, onesies, booties, and baby bottoms. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75038575

Filing Date December 29, 1995

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition April 29, 1997

Registration Number 2080848

Registration Date July 22, 1997

Owner (REGISTRANT) Auburn University INSTRUMENTALITY ALABAMA 106 Samford Hall Auburn ALABAMA 36849

Attorney of Record Timothy A. Bush

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070605.

Renewal 1ST RENEWAL 20070605

Live/Dead
Indicator LIVE

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| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



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Typed Drawing

Word Mark AUBURN UNIVERSITY
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: printed materials, namely, notebooks, looseleaf binders, writing paper and envelopes, desk pads, notebook holders, letter openers, pencil cups, appointment books, address books, calendars, binders for diplomas, pens, pen and pencil sets, book ends, lap boards, decals, postcards, bumper stickers, playing cards. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75038506
Filing Date December 29, 1995
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 3, 1996
Registration Number 2040159
Registration Date February 25, 1997
Owner (REGISTRANT) Auburn University BODY CORPORATE ALABAMA 107 Samford Hall Auburn ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061111.
Renewal 1ST RENEWAL 20061111

Live/Dead
Indicator LIVE

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| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



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[SEARCH DOC](#)
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[PREV LIST](#)
[CURR LIST](#)

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[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TRANS Status](#)

Typed Drawing

Word Mark	AUBURN UNIVERSITY
Goods and Services	IC 041. US 100 101 107. G & S: educational services, namely, university and community education, public lectures and workshops, seminars, and conferences, and entertainment services, namely, sports exhibitions, theatrical productions, public lectures, art exhibitions, musical concerts, dance and ballet performances, and motion picture exhibitions. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75038478
Filing Date	December 29, 1995
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	December 31, 1996
Registration Number	2047365
Registration Date	March 25, 1997
Owner	(REGISTRANT) Auburn University BODY CORPORATE ALABAMA 6 Samford Hall Auburn ALABAMA 36849
Attorney of Record	Timothy A. Bush
Type of Mark	SERVICE MARK
Register	PRINCIPAL-2(F)
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061120.
Renewal	1ST RENEWAL 20061120

Live/Dead
Indicator LIVE

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[HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY



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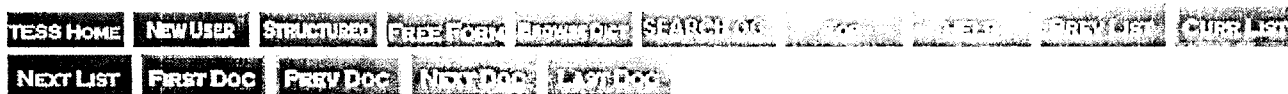
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Browser in return to TESS)

Typed Drawing

Word Mark	AUBURN TIGERS
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: printed materials, namely, notebooks, looseleaf binders, writing paper and envelopes, desk pads, notebook holders, letter openers, pencil cups, appointment books, address books, calendars, [binders for diplomas,] pens, pen and pencil sets, book ends, lap boards, decals, postcards, bumper stickers and playing cards. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75038508
Filing Date	December 29, 1995
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	December 17, 1996
Registration Number	2172166
Registration Date	July 14, 1998
Owner	(REGISTRANT) Auburn University INSTRUMENTALITY ALABAMA 6 Samford Hall Auburn ALABAMA 36849
Attorney of Record	TIMOTHY A BUSH
Type of Mark	TRADEMARK
Register	PRINCIPAL-2(F)-IN PART
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080621.
Renewal	1ST RENEWAL 20080621
Live/Dead Indicator	LIVE

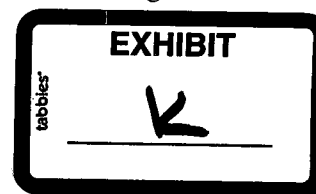
Distinctiveness**Limitation**

as to "AUBURN"

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[Start](#) List At: OR [Jump](#) to record: **Record 52 out of 151**

[TARR Status](#) [ASSIGN Status](#) [TOR](#) [TAB Status](#) (Use the "Print" button of the Internet Browser to return to TESS)

AUBURN TIGERS

Word Mark

AUBURN TIGERS

Goods and Services

IC 006. US 002 012 013 014 023 025 050. G & S: metal key chains, metal license plates, metal piggy banks, and metal buckets. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 020. US 002 013 022 025 032 050. G & S: plastic key chains, plastic novelty license plates, plastic pennants, plastic flags, picture frames, umbrella stands, pillows, decorative plaques, plastic name badges, collectibles in the nature of cold cast resin figurines, stadium cushions, novelty items in the nature of collectible plastic megaphones, mirrors, wind chimes, diploma frames, and picnic tables. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 024. US 042 050. G & S: cloth coasters, towels, blankets, cloth pennants, felt pennants, cloth flags, tapestries of textile, textile wall hangings, textile placemats, quilts, sheets, and bed linens. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

IC 028. US 022 023 038 050. G & S: balloons, basketballs, beach balls, foam basketballs, footballs, playground balls, soccer balls, rubber action balls, tennis balls, table tennis balls, volleyballs, toy balls, baseballs, basketball goals, bean bags, chess sets, checker sets, Christmas tree ornaments, Christmas stockings, flying discs, golf head covers, golf tees, putter cups, golf flags, golf bags, golf balls, golf putter covers, tennis nets, tennis racket covers, stuffed toy animals, dolls, puzzles, board games, plastic figurine toys, foam figurine toys, baseball bats, bean bags, toy megaphones, and toy diecast vehicles. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000

Standard
Characters
Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 76617573
Filing Date October 26, 2004
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 8, 2005
Registration Number 3052640
Registration Date January 31, 2006
Owner (REGISTRANT) Auburn University BODY CORPORATE ALABAMA 6 Samford Hall Auburn University ALABAMA 368495118
Attorney of Record Timothy A. Bush
Prior Registrations 2040157;2040159;2045683;2047365;2054439;2056958;2064683;2066511;2080848;2164990;2172166;2381222;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AUBURN" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)-IN PART
Live/Dead Indicator LIVE
Distinctiveness Limitation Statement as to "AUBURN"

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NEXT LIST FIRST DOC PREV DOC NEXT DOC PREV DOC

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List At: to record: **Record 70 out of 151**

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Typed Drawing

Word Mark	AUBURN TIGERS
Goods and Services	IC 025. US 022 039. G & S: clothing, namely, shirts, shorts, T-shirts, sleep shirts, robes, tennis shirts, sweat suits, sweat pants, sweat shirts, sweat shorts, ladies tops, jerseys, sweaters, blazers, jackets, vests, shoes, mittens, scarves, socks, hats, caps, visors, and children's clothing, namely, bibs, jumpers, onesies, booties, and baby bottoms. FIRST USE: 18950000. FIRST USE IN COMMERCE: 18950000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75038576
Filing Date	December 29, 1995
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 14, 1997
Registration Number	2164990
Registration Date	June 16, 1998
Owner	(REGISTRANT) Auburn University INSTRUMENTALITY ALABAMA 6 SAMFORD HALL Auburn ALABAMA 36849
Attorney of Record	Timothy A. Bush
Type of Mark	TRADEMARK
Register	PRINCIPAL-2(F)-IN PART
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080621.
Renewal	1ST RENEWAL 20080621
Live/Dead Indicator	LIVE
Distinctiveness	

**Limitation
Statement**

as to "AUBURN"

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AUBURN COMMONS

Word Mark	AUBURN COMMONS
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: newsletter for university graduates, alumni, and supporters. FIRST USE: 20021200. FIRST USE IN COMMERCE: 20021200
	IC 041. US 100 101 107. G & S: providing an online electronic newsletter for university graduates, alumni, and supporters. FIRST USE: 20021200. FIRST USE IN COMMERCE: 20021200
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	76626140
Filing Date	December 27, 2004
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	September 20, 2005
Registration Number	3026287
Registration Date	December 13, 2005

Owner (REGISTRANT) Auburn University BODY CORPORATE ALABAMA 107 Samford Hall Auburn University ALABAMA 368495118

Attorney of Record Timothy A. Bush

Prior Registrations 2040157;2040159;2045539;2045683;2047365;2056958;2064683;2066511;2080848;2164990;2172166;2381222;AND OTHERS

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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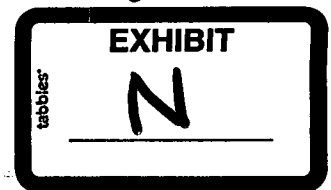
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[TDR](#)
[TTAB Status](#)
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Word Mark **AUBURN UNIVERSITY INSTRUCTION, RESEARCH EXTENSION, FOR THE ADVANCEMENT OF SCIENCE AND ARTS ESTABLISHED 1856**

Goods and Services IC 025. US 022 039. G & S: clothing, namely, shirts, shorts, T-shirts, sleep shirts, robes, tennis shirts, sweat suits, sweat pants, sweat shirts, sweat shorts, ladies tops, jerseys, sweaters, blazers, jackets, vests, shoes, mittens, scarves, socks, hats, caps, visors, and children's clothing, namely, bibs, jumpers, onesies, booties, and baby bottoms. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 05.15.02 - Laurel leaves or branches (borders or frames); Wreaths
 24.05.01 - Circular or elliptical seals; Seals, circular or elliptical
 24.07.10 - Cups, trophy; Trophies
 26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges
 26.01.28 - Circles with irregular circumferences; Miscellaneous circular designs with an irregular circumference

Serial Number 75038577

Filing Date December 29, 1995

Current Filing Basis 1A

Original Filing Basis 1A

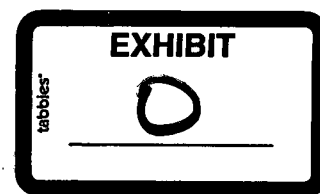
Published for Opposition March 4, 1997

Registration

Number 2064683
Registration Date May 27, 1997
Owner (REGISTRANT) Auburn University INSTRUMENTALITY ALABAMA 6 SAMFORD HALL Auburn ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061028.
Renewal 1ST RENEWAL 20061028
Live/Dead Indicator LIVE

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List At: OR to record: **Record 15 out of 18**

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Word Mark	AUBURN UNIVERSITY, INSTRUCTION, RESEARCH, EXTENSION, FOR THE ADVANCEMENT OF SCIENCE AND ARTS ESTABLISHED 1856
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: printed materials, namely, notebooks, looseleaf binders, writing paper and envelopes, desk pads, notebook holders, letter openers, pencil cups, appointment books, address books, calendars, binders for diplomas, pens, pen and pencil sets, book ends, lap boards, decals, postcards, bumper stickers and playing cards. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.15.02 - Laurel leaves or branches (borders or frames); Wreaths 19.09.25 - Other bottles, jars or flasks 24.09.07 - Advertising, banners; Banners 26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges 26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles
Serial Number	75038505
Filing Date	December 29, 1995
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 4, 1997

Registration Number 2056958
Registration Date April 29, 1997
Owner (REGISTRANT) AUBURN UNIVERSITY BODY CORPORATE ALABAMA 6 SAMFORD HALL
AUBURN ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)-IN PART
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20071012.
Renewal 1ST RENEWAL 20071012
Live/Dead Indicator LIVE
Distinctiveness
Limitation as to "AUBURN UNIVERSITY"
Statement

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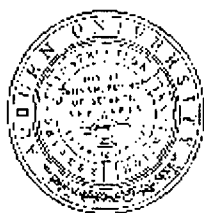
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Word Mark	AUBURN UNIVERSITY INSTRUCTION RESEARCH EXTENSION FOR THE ADVANCEMENT OF SCIENCE AND ARTS ESTABLISHED 1856
Goods and Services	IC 041. US 100 101 107. G & S: educational services, namely, university and community education, public lectures and workshops, seminars, and conferences, and entertainment services, namely, sports exhibitions, theatrical productions, public lectures, art exhibitions, musical concerts, dance and ballet performances, and motion picture exhibitions. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.15.02 - Laurel leaves or branches (borders or frames); Wreaths 19.09.25 - Other bottles, jars or flasks 24.09.07 - Advertising, banners; Banners 26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles
Serial Number	75038477
Filing Date	December 29, 1995
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 11, 1997
Registration Number	2066511

Registration Date June 3, 1997
Owner (REGISTRANT) Auburn University BODY CORPORATE ALABAMA 107 Samford Hall Auburn ALABAMA 36849
Attorney of Record Timothy A. Bush
Type of Mark SERVICE MARK
Register PRINCIPAL-2(F)-IN PART
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061111.
Renewal 1ST RENEWAL 20061111
Live/Dead Indicator LIVE
Distinctiveness
Limitation as to "AUBURN"
Statement

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